



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,175	03/25/2004	Demilson Nastacio	5577-292 RSW920040017US1	6802
53792	7590	01/22/2009	EXAMINER	
DILLON & YUDELL LLP 8911 N. CAPITAL OF TEXAS HWY. SUITE 2110 AUSTIN, TX 78759			LINDSEY, MATTHEW S	
			ART UNIT	PAPER NUMBER
			2451	
			MAIL DATE	DELIVERY MODE
			01/22/2009 PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/809,175
Filing Date: March 25, 2004
Appellant(s): NASTACIO ET AL.

Denilson Nastacio
Jason Compropst
Carlos Araujo
John Dinger
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 30 October 2008 appealing from the Office action mailed 11 July 2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2003/0200486	Marwaha	10-2003
6,584,502	Natarajan et al.	6-2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-5, 8 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marwaha (US 2003/0200486), hereinafter Marwaha, in view of Natarajan et al. (US 6,584,502 B1), hereinafter Natarajan.

3. With respect to Claim 1, Marwaha disclosed: "A method of generating events having a common event format (Page 14, Paragraph [0011], lines 1-4), comprising: associating a content handler with the event factory (Figure 3, objects 304a, b and c, and [0030], lines 7-9, the table below this and Paragraph [0031], lines 1-2, where a content handler is the CEF translator and the event factory is the Listener/Receiver);

obtaining a common base event associated with the content handler ([0028], lines 1-5, Figure 3, objects 304a, b and c);

populating the common base event with source specific situation information to provide a populated base event ([0026], line 5, "object", defined later to be "To identify the affected component", Page 15, 1st Col., under the Object heading);

determining if a format of the populated common base event conforms to a predefined event format ([0025], lines 8-11, where during data normalization the event format may be updated, shown by [0027], lines 1-3, the data normalization phase determines if the format is acceptable, and if not updates the format, see Pg 14, the table below [0027], specifically "OriginDateTime", Remarks "If the original date/time is present, then that may be used"), wherein the predefined event format is defined by the content handler ([0025], lines 8-11, where the data normalization transformer gathers the predefined information such as source, type, and status); and

generating a common event format representation of the populated base event based on the predefined event format if the format of the populated base event does not conform to the predefined event format ([0027], lines 1-3)".

Marwaha did not explicitly state: "associating an event factory with a directory service; locating the event factory using the directory service" or "returning the populated base event incorporated in the content handler from the event factory to the event source".

However, Natarajan disclosed: "associating an event factory with a directory service (Col. 26, lines 6-10); locating the event factory using the directory service (Col. 26, lines 6-10)" or "returning the populated base event incorporated in the content handler from the event factory to the event source (Col. 7, lines 27-30, where the event information was reported to a policy engine, updated, and is sent back to selected network elements)".

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the event notification of Marwaha with the teachings of Natarajan to include using a directory service to locate the event factory. Motivation to combine these references comes from the function of a directory service itself. Directory services are provided to store and organize information regarding a network, such as mapping network addresses to names of their respective network devices, relieving users from using unfriendly network addresses. Combining the event notification of Marwaha with the location of the event factory using a directory service of Natarajan

therefore creates a more user friendly experience by allowing the user to specify a name rather than a network address.

Also, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the event notification of Marwaha with the teachings of Natarajan to include sending the information back to the source. Motivation comes from Natarajan, "The updated control information is fed back to selected network elements to thereby affect operation of the selected elements" (Abstract, lines 9-11). By combining the event notification of Marwaha with sending information back to the source of Natarajan, the event notification system can affect operation of the elements based on event notification data.

4. With respect to Claim 3, the combination of Marwaha and Natarajan disclosed: "The method of claim 1, wherein the source specific situation information is provided in a plurality of event fields (Marwaha, [0026], lines 2-7) and wherein generating a common event format representation of the populated base event comprises:

determining if ones of the plurality of event fields conform to the predefined event format defined by the content handler (Marwaha, [0017], lines 1-3, "The following tables show examples of tokens and their values that may be updated", if the value are to be updated, they are checked against some standard, see [0030], lines 1-5);

modifying the format of the ones of the plurality of event fields that do not conform to the predefined event format (Marwaha, [0017], lines 1-3, "The following tables show examples of tokens and their values that may be updated");

determining if ones of the plurality of event fields are empty (Marwaha, [0027], lines 1-3, "The following tables show examples of tokens and their values that may be updated or assigned values", assigning a value implies the value was not present during an inspection stage); and

populating the empty ones of the plurality of event fields with source specific situation information based on the predefined event format (Marwaha, [0027], lines 1-3, "The following tables show examples of tokens and their values that may be updated or assigned values")".

5. With respect to Claim 4, the combination of Marwaha and Natarajan disclosed:
"The method of claim 3, further comprising:

providing the common event format representation of the populated base event to an event server (Marwaha, [0037], lines 1-2); and

storing the common event format representation of the populated base event in a data store at the event server (Marwaha, [0038], lines 1-3)".

6. With respect to Claim 5, the combination of Marwaha and Natarajan disclosed:
"The method of claim 4 further comprising:

querying the event server to obtain status information of a system associated with the event source based on the stored common event format representation of the populated base event (Marwaha, [0045], lines 10-13)".

7. With respect to Claim 8, the combination of Marwaha and Natarajan disclosed:

"The method of claim 1, wherein the directory service comprises a Java Naming and Directory(JNDI) service (Natarajan, Col. 26, lines 6-10)".

8. With respect to Claim 10, the combination of Marwaha and Natarajan disclosed:

"The method of claim 1, wherein the populated base event comprises a date and/or time stamp (Marwaha, [0026], lines 3-7, the "OriginDateTime", further defined below as "The date/time that the event occurred at the origin" Page 14, 2nd Col., under the OriginDateTime heading), a situation type (Marwaha, [0026], lines 3-7, the "ObjectClass", further defined below as "The category to which the object belongs" Page 15, 1st Col. Under the heading "ObjectClass"), an identity of the event source and/or an identity of a component reporting the situation type (Marwaha, [0026], lines 3-7, the "Object", further defined below as "The affected component for which the event was generated" Page 15, 1st Col. Under the heading "Object")".

9. With respect to Claim 11, the combination of Marwaha and Natarajan disclosed:

"The method of claim 1, wherein generating comprises automatically generating a common event format representation of the populated base event based on the predefined event format (Marwaha, [0027], lines 1-3)".

(10) Response to Argument

The examiner summarizes the various points raised by appellant and addresses replies individually.

Appellant argued that:

(1) "Appellants submit that Marwaha ... merely discloses converting a received event to a common event format, irrespective of a format of the received event" (pg 3, Independent Claim 1, lines 1-3).

In reply to argument (1): Examiner respectfully disagrees, Marwaha disclosed: "a common event format includes a set of tokens and their values" ([0011], lines 4-5). The common event format therefore includes certain tokens and their values. One such token that can be included in a common event format is OriginDateTime (see [0027] and table below). The table below [0027] specifically states, in regard to OriginDateTime: "If the original date/time is present then that value may be used" (table below [0027], OriginDateTime, Remarks section). The common event format includes tokens and their values, the OriginDateTime being one such token, and the original date/time may be used if it is present, the system of Marwaha therefore does not convert a received event into a common event format, irrespective of the received event.

With respect to [0027] Appellant has stated: "Appellants submit the remarks mean if the original date/time (provided by an event) is present the value may be used

or a date/time added by a connecting agent may be used (e.g., when the event originator has not included an original date/time for an event)". Since common event format includes tokens and their values, and the origin date/time can be one such token, appellant has therefore submitted that if the origin date/time is present, then that value may be used and Marwaha does not convert a received event into a common event format irrespective of a format of the received event.

Furthermore Appellant argues: "As specifically noted in Marwaha paragraph [0028], a common event format (CEF) translator is utilized to extract the tokens and format information in the tokens in a common event format" (pg 5, lines 10-12). Examiner respectfully disagrees, while Marwaha disclosed the CEF translators extracting the tokens, Marwaha does not disclose formatting the information in the tokens. Specifically Marwaha disclosed: "listener or receiver ... receives messages and a normalizing process, for example, one or more CEF translators 304a, 304b, 304c, extracts the above desired tokens and assigns an index to the alert". ([0028], lines 1-5).

(2) "Appellants submit that Natarajan also does not teach or suggest (alone or in combination with Marwaha) a method that employs an event source (e.g., 305) that accesses an event factory (e.g., 300) to obtain a common base event (e.g., 340) that is populated and returned to the event source (in the form of a populated base event incorporated in a content handler)" (pg 5, lines 19-23).

In reply to argument (2): on page 6 of the appeal brief, appellant specifically states: "Appellants submit that while policy engine 254 may feed control information to network elements 204, this does not teach or suggest an event source that accesses an event factory to obtain a common base event" (pg 6, lines 16-17). Examiner submits that the claim language does not include an event source that accesses an event factory to obtain a common base event and therefore this argument is moot.

Furthermore, Appellant argues: "the Examiner appears to erroneously equate the Natarajan policy engine with Appellants' event factory" (pg 6, lines 11-12). Examiner respectfully disagrees, while Natarajan may use the name policy engine and Appellant uses the name event factory, they exhibit the same functionality. The event source in Natarajan is a network element which reports information (or events) to the event factory or policy engine (see Natarajan Col. 8, lines 39-51). The policy engine populates the event by adding source specific situation information to provide a populated base event (Natarajan, Col. 8, lines 47-51, where the reported event is updated with source specific situation information to affect performance of the network). Then, the policy engine returns the populated base event incorporated in the content handler from the event factory (policy engine) to the event source (network element) (Natarajan, Col. 8, lines 47-51, where the reported event is fed back to the desired network elements).

Appellant further argues: "Natarajan merely discloses providing control information (from a policy engine) to a network element based on information reported by the network element (to the policy engine)" (pg 6, lines 18-20). Examiner respectfully

disagrees, Natarajan disclosed: "examples of the network information reported by the network element include... any of the above described parameters may be dynamically and automatically modified or updated by the policy engine and fed back to the desired network elements" (Col. 8, lines 39-50). This section lists example information reported by Natarajan. The reported information is an event. According to the IEEE Authoritative Dictionary of IEEE Standards Terms, an event is: "Any change in conditions or performance of interest" (IEEE, pg 398, event, (6) (A)). Therefore the reported information of Natarajan, such as number of packets dropped (Col. 8, line 45), is an event. Furthermore, by updating the information, or event, to affect operation or performance of the network, the policy engine populates the event with source specific situation information.

(3) "Moreover, it is still unclear to Appellants why one of ordinary skill in the art would be motivated by the combination of Marwaha and Natarajan to send a populated base event from an event factory to an event source" (pg 6, lines 21-23).

In reply to argument (3): on page 7 of the appeal brief Appellant states: "the Examiner appears to confuse control information with a populated base event" (pg 7, lines 10-11). Examiner respectfully disagrees. Natarajan disclosed reporting information to a policy engine in Col. 8, lines 39-51. The reported information is an event, as evidenced above with respect to the IEEE Authoritative Dictionary of IEEE Standards Terms. Therefore by updating the reported information, or event, the policy

engine is populating the event with source specific situation information. The updated information is source specific situation information because the updated, or populated event, is sent back to the desired network elements to affect the performance of the network. The motivation to combine these references comes from being able to dynamically affect the operation or performance of the network.

(4) "Appellants submit that dependent claims 3-5, 8, 10, and 11 are also allowable for at least the reason that the claims depend on allowable claims" (pg 7, Dependent Claims 3-5, 8, 10, and 11, lines 1-2).

In reply to argument (4): Examiner respectfully disagrees; see above rejections and responses to arguments.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

(12) Conclusion

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Matthew Lindsey

/M.L./

/John Follansbee/

Supervisory Patent Examiner, Art Unit 2451

Conferees:

/Jeffrey Pwu/

Supervisory Patent Examiner, Art Unit 2446

/John Follansbee/

Supervisory Patent Examiner, Art Unit 2451